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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,737	05/30/2001	Takuya Kotani	B588-020	6807

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COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

NGUYEN, CAM LINH T

ART UNIT PAPER NUMBER

2161

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/867,737

Applicant(s)

KOTANI, TAKUYA

Examiner

CamLinh Nguyen

Art Unit

2161

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 - 6, 9 - 27, 31 - 40 and 43.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments regarding "first block storage area" and "second block storage area" have been considered but not found persuasive.

In response, Patton et al discloses an information processing method for storing binary data and metadata related to the binary data into a storage medium, comprising:

"A first storage step of storing said metadata of the plurality of files into a first block storage area that is a predetermined continuous area capable of storing metadata of the plurality of files on said storage medium" See Fig.1, col. 4 line 20 - 28.

- "A second storage step of storing binary data related to said metadata into a second storage area" See Fig. 1, col. 4 line 39 - 45.
The "binary data" corresponds to "still image data" (col. 4 line 43).

The "second storage" corresponds to the area that stored the image data.

- "A third storage step of storing link information that links said metadata stored... with said binary data" See col. 4 line 45 - 47.

The "link information" corresponds to the "image links" (col. 2 line 23 - 35).

"The third storage" corresponds the area that stored the image links.

- "Link information is stored into an area adjacent to an area where said metadata is stored". The "image link" is derived from the metadata, and is stored in the disk 16 in Fig. 3. Therefore, the "link information" must be stored adjacent with the metadata.

However, Patton et al does not specifically disclose the order of storing the binary data, metadata, and linking data. Nonetheless, such is not a patentable distinction. One of ordinary skill in the art would have recognized that either the metadata or the binary data might have been stored first. The choice of sequence provides no unexpected or unobvious result. The ordinary skilled artisan would have recognized that the linking of metadata to binary data would have to occur after those two types of data had been captured and stored. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to practice the invention in different sequence steps such as capture and store either binary data or metadata first, because the choice of sequence provides no unexpected or unobvious result.

Patton does not clearly disclose that the storage area is a predetermined continuous area. However, Jernigan, on the other hand, discloses a method for defragmenting file data stored on a disk. There are two stages required. First, rearranges the File allocation Table (FAT) and Microsoft DoubleSpace File Allocation Table (MDFAT) entries into adjacent clusters. Second, moves the data into adjacent variable length clusters such that the data is stored in adjacent sectors with no intervening vacant sectors (col. 8, lines 44 - 49, Jernigan). The FAT and MDFAT can be considered as the linking information of the file. The continuous area is predetermined (col. 6, lines 55 - 59, col. 13, lines 15 - 18, Jernigan).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Jernigan into the invention of Patton, so that storing metadata, binary data, and the linking information in a predetermined continuous area because it is desirable to defragment the disk such that all files are stored in contiguous clusters. Defragmentation speeds access times and lessens the mechanical wear of the head assembly because an entire read or write request can be executed without requiring multiple head movements between non-contiguous clusters with the spin delay associated therewith (col. 4, lines 38 - 44, Jernigan).

The combination of Patton and Jernigan fail to disclose the step of reading the file, determining whether the file includes metadata, and separating the metadata and the content file.

However, Srivastava, on the other hand, discloses a system for collecting and managing media metadata that comprising the step of: reading the file, determining whether the file includes metadata, and separating the metadata and the content file (see Fig. 1, claim 1). Srivastava teaches that the system will parse the media file to extract the metadata embedded within the file (col. 2, lines 45 - 48 of Srivastava). This operation corresponds to the step "separating the read file into metadata and content data".

Therefore, the combination of Patton, Jernigan and Srivastava discloses the claimed limitations..



UYEN LE
PRIMARY EXAMINER